IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 432 (S/B) of 2002

1. Dr. (Smt.) Geeta Chaudhary
   W/o Dr. Narendra Datt
   Medical Officer Incharge
   Health Post Dalanwala
   Dehradun
2. Dr. Narendra Datt
   S/o Sri Mukh Ram Datt
   Posted as Orthopedic Surgeon
   (R.D.M.O.) Doon Hospita
   Dehradun ……. Petitioners

Versus

1. State of Uttaranchal through
   Secretary, Ministry of Medical & Health Services
   Secretariat, Uttaranchal
   Dehradun
2. The Director General
   Medical Health & Family Welfare
   Uttaranchal, Dehradun
3. The Chief Medical Officer, Dehradun
4. The Secretary
   Government of U.P.
   Department of Medical & Health Services
   Uttar Pradesh
   Civil Secretariat, Lucknow
5. Union of India through
   Secretary, Government of India
   Ministry of Personnel, Public Complaints & Pensions
   New Delhi- 110 001 …. Respondent

Sri C.D. Bahuguna, learned counsel for the petitioners
Sri N.B. Tiwari, learned, Addl. A.G/C.S.C. for the State
Sri Arvind Vashist, learned Additional Solicitor General of India
Sri S.P.S. Panwar, learned Addl. C.S.C. for the State of U.P.

Hon'ble Rajesh Tandon, J.
Hon'ble B.C. Kandpal, J

By the present writ petition, the petitioners have prayed for a writ of mandamus to the following effects:-

1. Issue a writ, or direction in the nature of mandamus commanding the respondents No. 1 to 3 to relieve the petitioner No. 1 from Health post,

Dalanwala, Dehradun for the State of U.P. on the basis of option exercised by her and until the petitioner No.1 is relieved for the State of U.P., the petitioner No. 2, who is husband of the petitioner NO. 1, may not be relieved for the State of U.P. in pursuance of the relieving order dated 03.05.2000 issued by the State of Uttaranchal.

2. Issue a writ, order or direction in the nature of Mandamus commanding the respondents to provide one place of posting to the petitioners No. 1 and 2, who are husband and wife.

2. Brief facts of the case are that the petitioner No. 1 was selected for the post of Medical Officer in the U.P. Provincial Medical & Health Services by the Department of Medical Officer at Dehradun in the month of November, 1997 and was posted as Medical Officer at Dehradun.

3. The petitioner No. 2 is the husband of the petitioner No. 1 and he was selected for the post of Medical Officer in the U.P. Provincial Medical & Health services by the Department of Medical & Health in the Month of July, 1990 and he was given the posting at Barabanki (U.P.) as Chief Medical Officer on 6th August, 1990.

4. Learned counsel for the petitioners has submitted that the petitioner No. 2 approached the Director General, Medical & Health Services for transferring him to Dehradun on the ground that his wife is posted as Medical Officer at Dehradun and as per the settled policy of the Government of India regarding posting, both husband and wife should be posted at one and same place. Thereafter, petitioner No. 2

was transferred to Dehradun as Orthopedic surgeon at Doon Hospital, Dehradun.

5. The government of Uttaranchal on 3rd May, 2002 has issued a list of 67 male Medical Officer, 5 female Medical Officers and 2 Dentists who have been relived for the State of U.P. as will appear from the transfer list dated 03.05.2002. The name of the petitioner No. 2 stands at Sl. No. 53 of the said list.

6. The grievance of the petitioners is that the husband and wife should be placed at one place, in view of the Government Order dated 13.09.2000. The petitioner No. 1 has further submitted that she has been posted at Dehradun while her husband has been transferred for the State of U.P.

7. Aggrieved by the aforesaid order of transfer, the petitioners have preferred this writ petition.

8. Heard Sri Sri C.D. Bahuguna, learned counsel for the petitioners, Sri N.B. Tiwari, learned Addl. A.G. /C.S.C. for the State, Sri Arvind Vashist, learned Additional Solicitor General of India, Sri S.P.S. Panwar, learned Addl. C.S.C. for the State of U.P. and perused the record.

9. Since the final allocation had already taken place and the only avenue open for the petitioner No. 2 to make a representation to the respondent No. 5 – Union of India for posting of both the petitioners either at Uttaranchal or in the State of U.P.

10. We, therefore, direct the petitioners to make a representation to the respondent No. 5 who shall pass

appropriate orders after taking into consideration the grievance of the petitioners within a period of six weeks from the date of production of certified copy of the order.

9. With the aforesaid observations, the writ petition is disposed of finally.

(B.C. Kandpal, J.) **(Rajesh Tandon, J.)**

17.11.2006
ASWAL